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18 July 1975

MEMORANDUM FOR: Mr. Denis Clift
National Security Council Staff

Denis,

Here are two CSCE pieces that Bob Gates
and [] have discussed: one from the
Western European and one from the Soviet
perspective.

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Attachments

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MEMORANDUM

SUBJECT: CSCE: The View from Moscow

Overview

The route to the European Security Conference has been longer and bumpier than the Soviets anticipated, and they were forced to yield more than they wanted. Moscow never wavered, however, in its efforts to bring the conference to a close, and from its perspective the journey has been worthwhile.

With some justification, the Soviets can view the successful conclusion of the conference as a triumph for their diplomacy. It was Moscow that:

- originated the idea of a conference more than 20 years ago;
- doggedly and persistently brought along reluctant Western and neutral nations;
- will gain more credit than anyone else for having persuaded the heads of 35 nations to come to Helsinki in the name of European security;
- for party chief Brezhnev, in particular, it will be a welcome accomplishment only six months before the next, and probably his last, party congress.

What else does Moscow get out of the conference?
It gets recognition of:

- the idea that the Soviet Union has a legitimate voice in determining the future of Europe -- East and West;

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- the benign development of detente in Europe, in which CSCE marks completion of a stage in an ongoing process of ordering Europe's political, military and economic relationships in ways that are, not incidentally, amenable to Soviet interests.

The Soviets will draw special satisfaction from having their conference at a time when Communists are making inroads in Italy and Portugal because the West did not make developments in those countries a hostage to detente in Europe. Moscow will see support for its contention that there is no inconsistency between detente and the development of progressive or revolutionary forces.

These Soviet "gains" derive, in a sense, from the process of CSCE rather than from any specific wording of the document to be signed by the heads of state. In that document, the only statement that speaks to a key Soviet objective is the "Basket I" principle that the present boundaries in Europe are inviolable. Moscow will regard this principle as universal recognition that the post-World War II borders in Europe, including the division of Germany are legitimate; it is clear that without such a statement Moscow would not have bought the rest of the document.

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Implications of Inviolable Borders

What exactly this wording does for the Soviets is another matter. Nothing will change on the ground in Europe. The CSCE document does not carry the force of "legal" obligation, and the "inviolability principle" does not go beyond what West Germany has already conceded in its Eastern treaties. In addition, the Soviets were compelled by Bonn to agree to language in the CSCE documents that provides for the possibility of "peaceful change" in Europe -- so the inviolability of the borders is something less than immutable.

The reason for Moscow's 20-year quest for inviolable frontiers in Eastern Europe rests in the Soviet sense of insecurity -- a concern greater than would seem appropriate given the military balance in Europe, but nonetheless real. If the putative Soviet achievements at CSCE all seem to be in the area of atmosphere, psychology, and perception, that makes them no less concrete or meaningful to Moscow.

The Soviets made a number of concessions in the wording of the CSCE agreement, but it may end up that none was as significant as the unwritten obligation they assumed. The kinds of gains the Soviets have made at CSCE are only exploitable if the atmosphere remains undisturbed in Europe and Soviet behavior remains within the limits of acceptability. While no one would argue that CSCE will prevent the Soviets from taking any action that they considered vital to their interests, the CSCE atmosphere could have an effect on how Moscow weighs the pros and cons of any significant destabilizing action. There will almost certainly be differences within the Soviet leadership and between the USSR and the West over what is permissible, and the burden will be on the West to keep the margins as narrow as possible.

The Soviets also made some significant concessions to get CSCE. Before the conference began, Moscow had to:

- work out a satisfactory agreement on Berlin;
- accept US and Canadian participation;
- agree to enter the force reduction talks (MBFR).

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In the conference itself, they were compelled to accept the idea that a CSCE agreement would include more than a statement of amorphous principles, indeed would cover tangible areas of considerable sensitivity to a closed society. There is good ground for skepticism about the practical consequences of the Soviet concessions of freer movement of peoples and ideas (the so-called Basket III) and the military related "confidence building measures" (CBMs). Nonetheless, the Soviets have, for the first time, accepted the principle that such matters are a legitimate concern of the European community and a legitimate part of "European security."

Basket III

CSCE was made possible when the participants agreed to trade recognition of the inviolability of frontiers for improvements in the "freer movement of people and ideas." In a sense, this represented an exchange of present realities for future possibilities. The West calculated that, while it was indicating some degree of acceptance of Europe's division, it might at the same time set in motion processes that could eventually attenuate that division.

The Soviets did everything possible, short of scuttling the conference, to minimize their obligations under Basket III. In long months of tough bargaining, the West gradually retreated from its more far-reaching objectives. Most of the surviving provisions in Basket III are couched in terms of intent rather than obligation. The operative verbs are usually "intend," "hope," "encourage," "facilitate," "study." The Soviets consistently, and successfully, opposed the verb "will."

Furthermore, many of the Basket III articles contain escape hatches for the Soviets. For example, the provision on improved working conditions for journalists, contains a clause on the non-expulsion of journalists engaged in professional activity, but it adds the proviso that their activity must be "legitimate." In the Soviet Union, the Soviets will determine what is legitimate and what is not.

The texts in Basket III are divided into two broad categories: "human contacts" and "information." In

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assessing the risks involved, however, the Soviets probably employed a different breakdown, distinguishing between provisions affecting Soviet citizens directly and those concerning the activity of foreigners in the Soviet Union. In the first category are statements dealing with family reunification, marriage between nationals of different states, travel, radio broadcasting, and other activities related to the dissemination of information. The second category consists primarily of improved working conditions for journalists, although items such as travel and tourism also fall into this category.

The Soviets negotiated hard to neutralize the impact of both texts, but if past experience is a guide they will be more concerned about provisions affecting Soviet citizens. The article facilitating marriage between nationals of different states is not likely to be particularly troublesome because the number of cases will probably remain small. The provisions dealing with family reunification and "contacts and regular meetings on the basis of family ties" may be more difficult because of increased emigration in recent years. Basket III does not in any way, however, obligate the Soviets actually to increase the flow of emigrants. Furthermore, these provisions, as well as clauses having to do with travel, tourism, contacts among professional and religious groups, and other similar subjects, are well covered by Soviet laws and there is little doubt that Moscow will apply these laws to whatever degree is necessary to maintain its control.

On radio broadcasting, the CSCE text does little more than apply pressure on the Soviets to refrain from reinstituting the jamming of Western broadcasts. Moscow stopped most jamming just as the second stage of CSCE was beginning, obviously in an effort to eliminate the topic as a source of contention and entice the West with the prospect of further gains at CSCE as well as in various bilateral relationships.

The Basket III provisions are not likely to affect the Soviet political order, nor are they likely to touch the lives or the imagination of the Russian people. They will, however, raise certain problems. Any tough Soviet statements or actions against individuals whose plight gets attention in the West will be viewed as a violation

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of the spirit, if not the letter, of CSCE. There is a good chance that Soviet dissidents will seize on some of the CSCE provisions to argue their cases. Resort to legalisms or the various escape clauses in the CSCE document will not get the Soviets completely off the hook. In short, the Soviets are somewhat more vulnerable to the cause celebre than they were before CSCE. Western publicity will be the main weapon in the arsenal of Soviet citizens seeking greater personal freedom. CSCE did not create this relationship; but it may reinforce it.

Confidence Building Measures

At the beginning of the conference, the Soviets strongly opposed the concept of "confidence building measures." They argued that military matters had no place in the conference, and they fought bitterly against the key CBM of advance notification of maneuvers. In the closing weeks of the conference they carried their objections to the point of successfully defying Western efforts to extend the area of application of this measure another 25 km. Yet in the end the Soviets accepted the measures with relative ease and even came forth with an unexpected concession on notification of military movements, a topic that had been considered hopelessly deadlocked.

The agreement on advance notification of maneuvers provides that notification shall be given 21 days in advance of maneuvers involving 25,000 or more men anywhere in Europe and in a 250-km. zone from the USSR's borders with other participating states. As a condition to their agreement, the Soviets insisted that the notification be given on a voluntary basis. This means that, theoretically, the Soviets do not have to give any notification, although it seems unlikely that they will choose to ignore this CSCE provision. The "voluntary" provision does give Moscow more latitude, and it is possible that it helped sell the agreement to the Soviet military.

The effect of CBMs on Soviet military activity depends in part on the degree of how specific Moscow is in its notification. The measure provides that notification convey some idea of the size and type of the units involved, rather than merely stating that an exercise involving more than 25,000 is projected. The requirements on area are

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more vague. It will make a significant difference whether the Soviets state that an exercise will take place "in the western USSR" or whether they are more precise.

Most Soviet ground force exercises take place in the zone covered by the notification measure. Since it is now unusual for Western intelligence organizations to have 21 days notification of forthcoming Warsaw Pact exercises, the West should be better able to monitor Pact exercises and thereby get a better appreciation of Eastern military performance.

Of course the CBMs apply to both sides, and Moscow may benefit somewhat from prior notification of NATO exercises. More important, the Soviets may hope that CBMs will further diminish the sense of a Soviet threat in the West and will help to promote, albeit in a small way, the idea that NATO is irrelevant.

One potential consequence of incorporating CBMs in CSCE is that the Soviets will find it easier to argue that these topics should be excluded from the force reduction talks. If the Soviets insist on and carry this point, they would presumably gain a marginal advantage, because these matters would be treated by an all-European forum under an agreement that did not have the force of law, rather than under a binding agreement between the two military blocs.

The East Europeans

From the West's viewpoint, one of the purposes of CSCE was to promote centrifugal tendencies in Eastern Europe and to make it more difficult for the Soviet Union to keep the East Europeans on a tight leash. It is reasonably clear, however, that the process of negotiating CSCE did not encourage the East Europeans to embark on a more independent course. On the contrary, the Soviets used the conference format to tighten control by means of frequent consultations and coordination. The Warsaw Pact nations held regular strategy sessions and generally functioned as a unit, with each member assigned a particular substantive specialty. With the exception of Romania, they gave little evidence of discord or conflicting interests. One reason is that the Eastern European governments share the USSR's concern that domestic control takes precedence over the idea of "freer movement."

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The one conspicuous exception to East European docility was Romania. In characteristic fashion, the Romanian delegation made a great show of flaunting its independence and defending its special interests and interpretations. The Romanians deviated from the Soviet position on a wide variety of issues. Bucharest tried hard, for example to strengthen follow-up provisions, with the obvious intent of holding the Soviets accountable for violations of the agreements.

In the end there was little wording Bucharest could cite as incorporating its concepts and the Romanians regularly backed away from potential showdowns with the Soviets. Nevertheless, the Romanians got a sympathetic hearing before a wide European audience and gained a greater understanding for their position. Bucharest will acquire some sustenance from the increased sense of shared interest among the non-aligned and incompletely aligned nations of Europe. Much the same can be said of the Yugoslavs, although they behaved less flamboyantly at the conference.

Beyond CSCE

At the first stage of the conference, in mid-1973, the Warsaw Pact proposed the creation of a standing consultative committee that would "follow-up" the agreements signed at the CSCE summit, and provide a permanent organization through which Moscow could continue to make its voice heard in West European affairs.

But as the negotiations progressed, the Soviets lost interest in the idea of a standing committee. In the closing weeks of the negotiations, when the first serious discussion of follow-up began, the Soviets abandoned it without a whimper. The text on follow-up that eventually emerged provides for a meeting in 1977 of sub-ministerial officials to review CSCE progress, and to consider other meetings, or even another conference.

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With CSCE out of the way, at least until 1977, the Soviets will now turn to their multilateral fora to keep the process of detente moving forward. They are already talking about the necessity for complementing political detente with "military detente," and their public focus no doubt will now shift to Vienna and the MBFR negotiations.

But Moscow will feel itself under no special pressure to make concessions to the West in Vienna as a result of CSCE. The once tight linkage between the two negotiations has long since disappeared, and the West no longer has the option of trying to use Soviet intent in CSCE as a lever for progress in MBFR. Nor is it clear that the Soviets, who do seem to be more interested in the possible gains to be made at MBFR than they once were, are genuinely interested in an MBFR agreement any time soon.

The Soviets may also do more to promote regional agreements in Europe. Some manifestations of this have already been seen in the revival of Soviet interest in the long-dormant proposal for a nuclear-free zone in Scandinavia and the first tentative probes toward becoming involved in Nordic economic cooperation. It is conceivable that the Soviets may eventually undertake similar initiatives in the Mediterranean. On a broader front, they may revive their proposal for a world disarmament conference. A major thrust of Soviet activity in the post-CSCE era will be outside the sphere of official conferences and multilateral initiatives. In particular, the Soviets will push for greater trade union contacts in an effort to advance their idea of pan-European trade unionism.

The Soviets have some work to do within the Communist movement in Europe as a result of CSCE. They have been heavily engaged in organizing a meeting of the European Communist parties. One purpose of this meeting is to

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strengthen Moscow's voice on the ideological front in anticipation of post-CSCE pressures. In addition, the Soviets would like to have a more influential voice in determining the priorities, tactics, and policies of the various West European Communist parties. The growth in the influence and the potential governing role of these parties gives Moscow more reason than before to do what it can to make sure that their activities contribute to, rather than complicate, Soviet policies.

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MEMORANDUM

SUBJECT: *The CSCE and Western Europe -- Pluses and Minuses*

Overview

For almost three years the delegates from the 35 countries attending the Conference on Security and Cooperation in Europe have engaged in the most far-reaching exchange of ideas between East and West since World War II. The three-day summit which will convene in Helsinki on July 30 will be the largest conference of heads of government since the Congress of Vienna in 1815.

For all participants the long negotiations were frustrating as well as educational, reflecting not only the progress of detente over the years, but also demonstrating the toughness required to make further contributions to it. The conference -- involving the US, Canada, the Soviet Union and all the countries of Europe except Albania -- has promoted arrangements for expanded human contacts, increased cooperation, and a reduction in tension in the political and military fields.

The burden of implementing the conference agreements will fall primarily on the communist states. In return for Western endorsement of

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the principle that post-World War II borders are inviolable, the Warsaw Pact states have now in principle accepted some constraints on future behavior.

The long-term effects of the conference are not likely to be discernible for many years. Even then, it may be difficult to distinguish its unique contribution apart from the general progress of East-West relations. But some pluses and minuses, possible advantages or pitfalls, can be estimated as more or less direct consequences of CSCE.

Conduct of the Negotiations

Insofar as the West Europeans had positive aims in CSCE, they saw the conference initially as an opportunity to expand contacts with and achieve a measure of political and economic penetration of the Eastern bloc as well as secure military measures to reduce East-West tensions. The Soviets hoped to use CSCE to establish the legitimacy of the post-World War II borders and further their access to and influence in the West. Neither side's goals have been completely realized at this stage, although the language of the final document relating to humanitarian cooperation does open the possibility of increased interchange with the Warsaw Pact countries. The extent to which the agreements are implemented will be the only persuasive criterion for a final judgment on CSCE.

Western Solidarity

The maintenance of solidarity throughout the negotiations was a major Western achievement. It was generally expected that CSCE would place a severe strain on the West's ability to coordinate and maintain national positions. The Soviets in fact hoped to use CSCE as a divisive tool, splitting the US from its Allies and also preventing the EC from becoming a more significant political force.

Almost three years of difficult negotiations, however, produced a rather different result. The 15 NATO countries and the EC Nine maintained solidarity despite several disagreements.

The French, initially hoping that each participant could pursue independent national policies, learned instead to function within the parameters and discipline of the EC caucus. Attributable in part to a less rigidly Gaullist foreign policy under Giscard d'Estaing, the French shift was also the result of the patience, persistence and willingness to compromise that developed among the Nine.

The West Germans, the Dutch, and the Belgians played a major role in preserving West European unity. Although they approached the conference essentially as a damage-limiting exercise, expecting little of direct positive benefit to result for the West from CSCE, their insistence on

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resisting extreme Soviet demands and their willingness to drag out the talks until acceptable agreements were reached provided the necessary foundation on which a collective position could be built.

Constant exposure to the negotiating tactics of the Soviets has usefully reminded the Europeans of the limits of detente diplomacy. The EC, in particular, has benefited from the negotiations process -- the most extended trial of its political coordination procedures. CSCE involved the Soviets, for the first time, in de facto negotiations on trade matters with the EC.

The flexibility of the NATO forum did much to prevent CSCE from weakening US links to Western Europe. CSCE also demonstrated, however, that European security is no longer the sole province of NATO and that the EC Nine have begun to insert themselves increasingly as a bloc in discussions of security concerns.

The Neutral and Non-aligned States

CSCE has provided the neutral and non-aligned states with an unparalleled opportunity to claim a greater voice in the affairs of Europe. They have played an active role speaking out on virtually all issues, and often acting as a broker between East and West. For the Scandinavian states the conference provided a European forum to press, in particular, for detente as a boost to humanitarian goals.

Although CSCE has usually been thought of in terms of East-West issues, for the less developed states of Europe, North-South considerations have been almost as important. For many of the Mediterranean states, the important issues are migrant labor, tourism, industrial cooperation and the environment. These states have a strong community of interest and, at times, Romania has joined them, and even Bulgaria has maintained a sympathetic silence when North-South issues have come into play.

On balance, the inclusion of most of the smaller states of Europe which are normally far from the mainstream of detente politics was advantageous to the West. The neutral and non-aligned states drew closer to the Western outlook on many questions. They were given a chance not only

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to participate in the dialogue of detente but to learn firsthand the difficulties of negotiating with the East. Nevertheless, the rules of consensus, giving each state an equal voice, allowed several smaller states to exploit the conference in order to promote regional and national interests.

Pluses and Minuses: Specific Objectives

Once the West Germans had accepted the partition of Germany and formal relations with the Eastern bloc, the West Europeans could agree formally to endorse the inviolability of post-World War II boundaries at a European security conference. Having conceded this basic Eastern objective, the West succeeded in extracting a number of concessions from the East while avoiding further Soviet demands.

The West agreed to a conference on several conditions:

- that the final document go beyond mention of the principle of inviolability of borders to include other principles which the West considered equally essential;
- that proposals regarding the freer movement of people, ideas, and information be inscribed on the agenda;
- that certain aspects of military security be dealt with through the adoption of confidence-building measures; and
- that parallel progress be made in the concurrent Vienna talks on force reductions in Europe.

Principles

With respect to the first condition, the West agreed in the end to recognize the inviolability of the existing borders, but kept open the possibility of peaceful change. The West also successfully insisted on additional principles on the non-use of force and the territorial integrity of states. Aimed initially at undercutting the Brezhnev doctrine, these principles are intended as well to reduce

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the chance that the Soviets can interfere with the future political, economic, and military development of Western Europe.

The preamble to the section on human rights and self-determination states that these principles are applicable not only to relations between countries belonging to different blocs, but also to relations among all participants. The West can thus argue that the Soviet Union should heed those principles in dealing with Eastern Europe, and the Soviets may on occasion find this a source of some embarrassment.

In order to obtain a balanced text on principles, the West successfully demanded a final Soviet concession that each principle is of equal importance and should be interpreted in connection with the others. Achievement of this concession was important especially for Bonn, which will need ammunition to counter excessive Soviet claims that the conference has legitimized the status quo in Europe including the division of Germany.

Economic Cooperation

Provisions of the document relating to increased cooperation in the fields of economics, technology, and the environment were relatively noncontroversial and easily agreed upon. Both East and West see advantage in facilitating exchanges in these areas, but practical results -- especially in the trade field -- will still largely depend on the development of export-oriented industries in the East.

Humanitarian Cooperation

CSCE marked the first time that the Soviets were willing to accept exchange of people, ideas and information as a legitimate matter for multilateral negotiation. Not surprisingly, this section presented the most difficult problems, and many clauses were painfully and patiently negotiated into what remain ambiguous formulations. On most topics expectations are clearly stated, but the kind of guidelines which would enable the West to measure compliance are often lacking. The language on facilitating contacts

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between professional groups, for example, includes phrases, such as "gradually lower, where necessary" and "administer flexibly" -- language that will permit host countries to determine practical standards to be applied.

The West did succeed in including statements on several topics such as radio broadcasting, improved working conditions for journalists, and family reunification which the Soviets would have preferred to avoid. Although the language is not legally binding, the intent is well understood by all participants. If the West maintains strong pressures on the Soviets to abide by the spirit of the agreements, this probably will meet with some success in those areas, so long as the Soviet Union remains committed to a policy of detente.

Confidence-building Measures

The agreement on military-related confidence-building measures provides a more visible yardstick by which the West can measure Soviet intentions on continuing progress toward detente. That agreement was not reached until the final days of negotiations. Although the Soviets did make some significant concessions, these were diluted by Western acceptance of a clause establishing the voluntary nature of the commitments. The East is thus not legally bound to provide advance notification of maneuvers, but failure to do so would be a violation of the spirit of the agreement.

Force Reduction Talks

The idea of linking the progress of CSCE with the force reduction talks in Vienna was abandoned. With tacit Western concurrence the Soviets succeeded in postponing substantive discussions in Vienna until CSCE is concluded. With CSCE behind them, the West is expecting serious talks to get under way this fall when Option III--- the nuclear "sweetener" -- is presented. Although the explicit linkage of CSCE with the force reductions negotiations was broken, progress in the Vienna talks is still perceived in Western Europe as a necessary part of the detente process symbolized by CSCE.

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Future Impact on the West

Almost three years of hard negotiations have tempered Western expectations for CSCE. West Germany, the Netherlands, and, to a lesser extent, the Belgians will value CSCE for what it did not do. Their primary goal, for domestic political reasons, has been to block any external interference in their political affairs and assure that CSCE could not be used to hinder progress toward West European unity.

In West Germany, the coalition government may come under attack from the Christian Democrats and some West Berlin politicians for not securing stronger language preserving Bonn's right to achieve national reunification through peaceful means, but should be able to ride out the anticipated protests.

The conference also poses a dilemma for other Western states such as the UK, France, and Italy. Detente has become an important part of their foreign policies and they cannot afford to dismiss the conference as inconsequential. On the other hand, too much emphasis on the positive results of CSCE could encourage overblown expectations for detente, weaken West European resolve, and increase pressures for reductions in defense expenditures. Detente euphoria could also conceivably increase pressures on the West for concessions in the force reduction talks.

Concern in some Western quarters about such euphoria, however, appears somewhat exaggerated at this stage. The prolonged bargaining at CSCE has probably reinforced the predilection in the West to assume very little, be patient and, above all, maintain solidarity.

Follow-up Procedures

The security conference documents provide no permanent machinery to monitor the implementation of the agreements as the Soviets had first demanded. The Soviets were expecting that such a mechanism -- a kind of mini-UN for Europe -- would provide them with a means of influencing future events in Europe. As the conference progressed, however, they realized that a formal follow-up procedure could be turned against them. The neutral and non-aligned states, having

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found new power of their own during the negotiations, did succeed in getting provision for future meetings -- beginning in 1977 -- of senior officials, possibly including a second conference, to monitor the implementation of the CSCE agreements. This will assure the neutrals a continuing voice in European affairs.

In summary, the agreements that will be signed in Helsinki touch on virtually all areas of critical interest to Europe. But they will not in themselves have a decisive impact on European events, and the future course of detente in Europe will be much more affected by:

- the maintenance of West European solidarity and, in particular, the unity of the EC Nine;
- continued West European cooperation with the US;
- the possible emergence of new leadership in Moscow;
- the growth of economic interdependence between East and West;
- the progress of force reduction and strategic arms negotiations;
- the reaction to increased communist influence in southern Europe, particularly in Portugal and Italy;
- increased competition for influence in the Mediterranean; and
- development of a growing community of interest among the states of southern Europe that could increasingly turn the attention of European leaders toward North-South problems in addition to the more familiar issues between East and West.

These problems illustrate how difficult it may be to move beyond the stage of cold-war confrontation into the new era of negotiated detente presaged by the CSCE. The CSCE agreements will not assure this outcome, but at least they provide a touchstone measuring the commitment of both East and West to further this process.

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